

**EVENT VIOLATION**  
**INSPECTOR'S STATEMENT**  
**MINERALS REGULATORY PROGRAM**

Company/Mine: Rock-It Stone/Strawberry River Quarry  
Permit #: S/013/008

CO # MC-2004-03-01-02  
Violation # 2 of 2

**SERIOUSNESS**

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation**. Mark and explain each event.

- |                                     |   |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | a. Activity outside the approved permit area.                     |
| <input type="checkbox"/>            | b. Injury to the public (public safety).                          |
| <input type="checkbox"/>            | c. Damage to property.  |
| <input type="checkbox"/>            | d. Conducting activities without appropriate approvals.           |
| <input type="checkbox"/>            | e. Environmental harm.  |
| <input type="checkbox"/>            | f. Water pollution.   |
| <input type="checkbox"/>            | g. Loss of reclamation/revegetation potential.                    |
| <input type="checkbox"/>            | h. Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/>            | i. No event occurred as a result of the violation.                |
| <input type="checkbox"/>            | j. Other.   |

Explanation: The operator had approval to conduct operations in portions of the southeast quarter of Section 16, T. 4 S., R. 7 W., USM, but, without first filing an amended notice of intention, expanded operations into the northeast and southwest quarters of this section.

2. Has the event or damage occurred? Yes.  
If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: The operation has been expanded as explained.

3. Did any damage occur as a result of the violation? Land outside the approved mining area was disturbed, but it was done in a way consistent with the existing notice. I do not believe there were other offsite impacts.

4. If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: Areas outside the approved mining area have been disturbed, but, except for this fact, this disturbance was basically done in accordance with the existing notice. There are two major concerns:

1. Fill material was placed in a small ephemeral drainage. This drainage is partially blocked, but because of the nature of this drainage and its location, there is not likely to be much, if any, additional sediment added to the Strawberry River.

2. My biggest concern is that I do not know whether the operator has right of entry for areas outside the area included in the notice of intention. He may be trespassing in these areas, but I do not know.

**B. DEGREE OF FAULT (Check the statements which apply to the violation and discuss).**

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: \_\_\_\_\_

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: I first discovered that the operator had expanded outside the area shown in the NOI in August 2003 and began telephoning and writing the operator trying to get an amended NOI. A certified letter was sent September 5, 2003, followed by three documented phone calls through January 2004, an inspection in March 2004 and another certified letter on April 22, 2004, and telephone conversations in June and August 2004. I have twice faxed forms to the operator so the NOI could be amended.

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: \_\_\_\_\_

- ☐ Was the operator in violation of a specific permit condition?

Explanation: \_\_\_\_\_

- ☐ Has DOGM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: \_\_\_\_\_

Was any economic benefit gained by the operator for failure to comply? Probably not.

If yes explain.

Explanation: I understand the operator has right of entry for the area from which stone has been quarried, and if this is correct, royalty payments have probably been made. If this is correct, I do not believe the operator has gained any economic benefit.

### GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: Not yet abated.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: \_\_\_\_\_

3. Was the submission of plans prior to physical activity required by this NOV / CO? \_\_\_\_\_ If yes, explain.

Explanation: \_\_\_\_\_

Paul Baker  
Authorized Representative

PEB RE  
Signature

9/17/04  
Date